

At 10:55 a.m., upon a motion by **Commissioner Beatty**, and unanimously carried, the Board in accordance with NCGS 143.318.10 agreed to convene in closed session to (1) to discuss the position to be taken by the Board in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property, and (2) consult with legal counsel due to potential litigation.

Present were Chair Robert E. Hibbitts, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty, W. Steve Ikerd. Also, present were Staff Attorney Debra Nass Bechtel, County Attorney Robert Oren Eades, County Manager J. Thomas Lundy, Assistant County Manager Steven D. Wyatt, Director of Utilities and Engineering Barry B. Edwards, County Clerk Virginia W. Sobotkin, Utilities and Engineering Public Services Administrator Kevin N. McCracken, County Engineer Douglas G. Chapman, and Dennie R. Martin of McGill Associates.

#### **PURCHASE PROPERTY FOR ELEVATED TANK AND PUMP STATION INSTALLATION FOR EAST MAIDEN ROAD GRANT PROJECT**

Staff Attorney Debra Nass Bechtel discussed property at the intersection of East Maiden Road and Jim Beard Road.

There were two projects from the Clean Water Grants approved for Fiscal Year 1999-2000. Both projects, the Clark's Creek Subdivision and Buffalo Shoals/East Maiden Road, would be served by the Town of Maiden. The property purchase was required for a pump station and elevated tank for the East Maiden Road project.

It was anticipated the Clark's Creek Waterline Project would cost \$178,385. This included design, legal fees, permitting fees and line installation or placement. Totally funded by Clean Water Grant Funds, the project would consist of installing approximately 1,670 linear feet of eight-inch diameter waterline, and approximately 5,200 linear feet of six-inch diameter waterline. Approximately 48 new customers would receive new water service immediately as a result of this project.

The East Maiden Road Waterline Project would cost \$1,173,640. This included design, legal fees, property purchase, permitting fees and line installation or placement. This project would be funded by \$1,117,410 in Clean Water Bond Grant Funds and \$56,320 in County budgeted funds within the budgeted \$1,173,640. The Engineer's estimate on provisions for property purchase was \$20,000. In addition to the elevated tank and pump station, the project would consist of installing approximately 14,000 linear feet of twelve-inch diameter waterline and serve approximately 100 new customers immediately.

The County would contract for the installation of; (i) a pump station suitable for its intended purpose, to be located at the intersection of Jim Beard Road and East Maiden Road, (ii) a 250,000-gallon elevated water tank to be located at the intersection of Jim Beard Road and East Maiden Road, and (iii) approximately 14,000 linear feet of twelve-inch waterline, beginning with a connection to an existing waterline at the intersection of East Maiden Road and Withers Road.

W. K. Dickson, the County's Engineering consultant in the grant projects, had identified suitable property for locating the elevated tank and pump station. Martin/McGill has met with the property owners. The property was in an estate and the heirs of the estate could not fully agree to sell the property. They had an appraisal by a Realtor of \$25,000, and had lost an option to sell for \$30,000 because of a lack of a consensus by the heirs. The County had a certified appraisal of the property performed in the amount of \$20,000.

The Staff Attorney requested the Commissioners to direct staff to negotiate purchase of the identified

property for \$25,000. In the event Staff was unable to negotiate the purchase of the property, she recommended the Board authorize County staff to initiate condemnation. By consensus, the Commissioners directed the mailing of the following letter.

*Starr Novalee Goodson Heirs  
c/o Betty S. Crooks, Executor  
4576 Jim Beard Road  
Maiden, North Carolina 28650*

*Dear Mrs. Crooks:*

*Catawba County has begun a water distribution project which includes the installation of waterlines and the construction of a pump station and water tank. The project is essential in order to provide adequate, high quality sources of water for residents and businesses in your community.*

*County property records indicate that the Starr Novalee Goodson heirs presently own two parcels which together would provide a good location for these improvements. These two parcels have been identified as 3656-02-57-4161 and 3656-02-57-6029. The subject parcels constitute 1.71 acres. It is my understanding that you have recently been contacted by Martin-McGill, the firm retained by the County to assist in acquiring the needed property. Martin-McGill has explained that the County would like to purchase the land in order to complete the water distribution project in your area.*

*I have been authorized to offer you the sum of \$25,000 for the above identified property. I request that you reply to this offer by July 10, 2000. If we have not heard from you by that date, the County will presume that you have rejected this offer to purchase the subject parcel. Please understand that Catawba County must consider all possible options for acquiring the land including condemnation of the two properties.*

*Please be assured that the County would like to purchase the property under an agreement that is mutually beneficial to all parties. I hope to hear from you in the coming days to discuss this letter and to answer any questions that you may have regarding this matter.*

*Sincerely,  
Kevin N. McCracken, Public Services Administrator  
Department of Utilities and Engineering*

#### **PURCHASE PROPERTY FOR BLACKBURN LANDFILL EXPANSION**

**Staff Attorney Debra Nass Bechtel** discussed the need to initiate offers to purchase property for the Blackburn Landfill Expansion as approved in the Solid Waste Master Plan.

She reminded the Board during its November 12, 1999, Retreat McGill Associates presented the 20-year Solid Waste Master Plan. A vital part of this plan included the purchase of land for future landfill expansion, soil needs and environmental buffers. The properties as presented on November 12 had been appraised as follows:

Property Owner	Acres	Appraisal
Charles S. and Jack C. Wilfong	110.14	\$491,200
Jack David Heavner	6.2(20.83)	\$42,200

Larry Eugene Heavner	3.09	\$7,500
Charlotte E. and Robert Thomas Mauser; Robert Thomas and Sara K. Mauser (A) Robert Thomas and Charlotte E. Mauser (B)	Tract A, 84.58 Tract B, <u>50.5</u> <b>135.08</b>	\$524,500
<b>Totals</b>	<b>616.73</b>	<b>\$1,035,670</b>

- A. **Charles S. and Jack C. Wilfong** -Adjacent property to the east of existing County owned property. The property consisted of approximately 110 acres, of which approximately 25 acres was across Rocky Ford Road. The Wilfong family home was located on this property on the east side of Wilfong Road. This property was critical to the continued development of the Blackburn Landfill for two reasons. The first reason was for the development of the Unit 3 of the MSW landfill. In order to maximize the development of the Blackburn Landfill, Unit 3 needed to be developed on the Wilfong property. The second reason was for use of the property for environmental monitoring. The closed Unit 1 waste area was located within 50 feet of the property line between the landfill property and the Wilfong property. There were already environmental issues regarding the Unit 1 waste area. By acquiring the Wilfong property, the County would have more area for environmental monitoring and any potential remediation action.
- B. **Jack David Heavner** -This property consisted of 6.2 acres of a 20.83 acre tract. The only improvements to this property were located on the remaining 14.63 acres. This property would allow the County to maximize the placement of the new Construction/Demolition landfill in the southwest corner of the County's property.
- C. **Larry Eugene Heavner** -This property consisted of a 3.09 acre tract. There were no improvements on this property. This property would allow the county to maximize the placement of the new Construction / Demolition landfill in the southwest corner of the County's property.
- D. **Charlotte E. and Robert Thomas Mauser; Robert Thomas and Sara K. Mauser (Tract A)**-84.58 acre tract adjacent to the Wilfong property. There were no improvements on this property. This Tract would be used for both landfilling and excavating borrow material. The Unit 4 waste would be located within this property. Although tract A was not projected to be used for solid waste operations for some time, this property had a high risk of being developed by the current owner. Therefore, staff recommended the County begin negotiations to purchase this property within the next six months and complete the purchase by December 2000.
- E. **Charlotte E. And Robert T. Mauser (Tract B)**-50.5 acres adjacent to the Mauser (Tract A) property. Tract B was a portion of an approximately 600-acre tract. A creek split tract B from the larger tract. There were no improvements on the smaller tract. This Tract would be used for both landfilling and excavating borrow material, as well as a buffer from any future developments to the east of the landfill. The Unit 5 waste cell would be located within this property. As with tract A, this property was not projected to be used for solid waste operations for several years; however, the property also had a high risk of being developed prior to that time. Therefore, staff recommended the County begin negotiations to purchase the tract A and tract B properties within the next six months and complete the purchase by December 2000.

The Solid Waste Master Plan as presented on November 12, 1999 reflected the Mauser property to be two tracts; one of 84.58 acres, and one of 50.5 acres, for a total of 135.08 acres. Although the 84.58 acre tract was a complete, intact parcel, the 50.5 acre tract was part of a larger 532.15 tract. In the event Mr. Mauser was not willing to subdivide and sell only 50.5 acres of the larger tract, the 616.73 acres of the Mauser property had been appraised at \$1,035,670.

**Mrs. Bechtel** expressed the Staff's recommendation which was the Commissioners direct staff to initiate property purchase and/or proceed with condemnation as follows for the Blackburn Landfill Expansion as supported by the Solid Waste Master Plan:

**Charles S. and Jack C. Wilfong**-Offer to purchase the entire 110.14 acre tract for the full appraisal value of \$491,200.

**Jack David Heavner** - Offer to purchase a 6.2 acre tract of the 20.83 acre tract for \$28,000.

**Larry Eugene Heavner**- Offer to purchase the entire 3.09 acre tract for \$7,000.

**Charlotte E. and Robert Thomas Mauser; Robert Thomas and Sara K. Mauser** -Provide three alternatives: A) Offer to purchase only that portion necessary for landfill operations; all of tract A and approximately 50 acres of tract B for \$524,500. B) Offer to purchase the entire 616.73 acre tract for the full appraisal value of \$1,035,670. C) Offer a ?tax-free exchange? in lieu of outright cash purchase for either combination listed above. Staff recommends presenting all three alternatives to Mr. Mauser.

Funding would be appropriated from the Solid Waste Reserve Fund for all property purchases. The Commissioners by consensus agreed to the mailing of the following letters.

**Messrs. Charles S. Wilfong & Jack C. Wilfong**  
**3889 Rocky Ford Road**  
**Newton, North Carolina 28658**

*Dear Messrs. Wilfong:*

*Catawba County is growing dramatically and with this growth comes increased demands on the County's solid waste program. The County must expand its Blackburn Waste Landfill if the County is to continue to provide our citizens environmentally safe and efficient disposal of solid waste.*

*Last year the County prepared a Master Plan for the Blackburn Landfill. The plan identifies a phased expansion of the existing landfill as the most practical and cost-effective means of meeting the growing solid waste needs of our Community. The initial expansion phase would require additional land around the periphery of the landfill in order to provide for sufficient land area and to comply with state and federal regulations for buffers and environmental safeguards.*

*County property records indicate that you presently own the parcel adjacent to the landfill identified as 3618-04-52-2134. The subject parcel is **110.14 acres**. This parcel has been identified by our engineers as being required to meet the proposed expansion needs called for*

*in the master plan.*

*The County considers this land to be essential to the future successful operation of the Blackburn landfill. Therefore, I have been authorized to offer you, based on an independent appraisal, the sum of \$491,000. for the above identified property. We would appreciate your timely consideration of this offer to purchase. Further, we would be pleased to discuss this matter further with you, at your convenience.*

*We would request that you reply to this offer by July 10, 2000. If we have not heard from you by that date, the County will presume that you have rejected this offer to purchase the subject parcel. Please understand that Catawba County must consider all possible options for acquiring the land necessary to implement our plan for the Blackburn Landfill, including condemnation.*

*Please be assured that the County would like to purchase the property under an agreement that is mutually beneficial to all parties. I hope to hear from you in the coming days to discuss this letter and to answer any questions that you may have regarding this matter.*

*Sincerely,  
Kevin N. McCracken, Public Services Administrator  
Department of Utilities and Engineering*

***Mr. and Mrs. Jack David Heavner  
4752 Hickory-Lincolnton Highway  
Newton, North Carolina 28658***

*Dear Mr. and Mrs. Heavner:*

*Catawba County is growing dramatically and with this growth comes increased demands on the County's solid waste program. The County must expand its Blackburn Waste Landfill if the County is to continue to provide our citizens environmentally safe and efficient disposal of solid waste.*

*Last year the County prepared a Master Plan for the Blackburn Landfill. The plan identifies a phased expansion of the existing landfill as the most practical and cost-effective means of meeting the growing solid waste needs of our community. The initial expansion phase would require additional land around the periphery of the landfill in order to provide for sufficient land area and to comply with state and federal regulations for buffers and environmental safeguards.*

*County property records indicate that you presently own the parcel adjacent to the landfill identified as 3617-01-29-9206. The subject parcel is 20.83 acres. A portion of this parcel ( 6.2 acres) has been identified by our engineers as being needed to meet the proposed expansion needs called for in the master plan. It is my understanding that you have recently been contacted by Martin-McGill, the firm retained by the County to assist in acquiring the needed property. Further, Martin-McGill has explained to you that the County would like to purchase your land in order to expand the landfill.*

*The County considers this 6.2 acre tract to be essential to the future successful operation of the Blackburn landfill. Therefore, I have been authorized to offer you the sum of \$28,000 for the above identified property. We would appreciate your timely consideration of this offer to*

*purchase.*

*We would request that you reply to this offer by July 10, 2000. If we have not heard from you by that date, the County will presume that you have rejected this offer to purchase the subject parcel. Please understand that Catawba County must consider all possible options for acquiring the land necessary to implement our plan for the Blackburn Landfill, including condemnation.*

*Please be assured that the County would like to purchase the property under an agreement that is mutually beneficial to all parties. I hope to hear from you in the coming days to discuss this letter and to answer any questions that you may have regarding this matter.*

*Sincerely,*

*Kevin N. McCracken, Public Services Administrator  
Department of Utilities and Engineering*

***Mr. Larry Eugene Heavner  
4816 Hickory-Lincolnton Highway  
Newton, North Carolina 28658***

*Dear Mr. Heavner:*

*Catawba County is growing dramatically and with this growth comes increased demands on the County's solid waste program. The County must expand its Blackburn Waste Landfill if the County is to continue to provide our citizens environmentally safe and efficient disposal of solid waste.*

*Last year the County prepared a Master Plan for the Blackburn Landfill. The plan identifies a phased expansion of the existing landfill as the most practical and cost-effective means of meeting the growing solid waste needs of our Community. The initial expansion phase would require additional land around the periphery of the landfill in order to provide for sufficient land area and to comply with state and federal regulations for buffers and environmental safeguards.*

*County property records indicate that you presently own the parcel adjacent to the landfill identified as 3617-01-39-3866. The subject parcel is **3.09 acres**. This parcel has been identified by our engineers as being required to meet the proposed expansion needs called for in the master plan. It is my understanding that you have recently been contacted by Martin-McGill, the firm retained by the County to assist in acquiring the needed property. Further, Martin-McGill has explained to you that the County would like to purchase your land in order to expand the landfill.*

*The County considers this land to be essential to the future successful operation of the Blackburn landfill. Therefore, I have been authorized to offer you the sum of \$7,000.00 for the above-identified property. We would appreciate your timely consideration of this offer to purchase.*

*We would request that you reply to this offer by July 10, 2000. If we have not heard from you by that date, the County will presume that you have rejected this offer to purchase the subject parcel. Please understand that Catawba County must consider all possible options for acquiring the land necessary to implement our plan for the Blackburn Landfill, including*

condemnation.

*Please be assured that the County would like to purchase the property under an agreement that is mutually beneficial to all parties. I hope to hear from you in the coming days to discuss this letter and to answer any questions that you may have regarding this matter.*

Sincerely,  
Kevin N. McCracken, Public Services Administrator  
Department of Utilities and Engineering

**Robert T. and Charlotte E. Mauser**  
**930 5th Street N.E.**  
**Hickory, North Carolina 28601**

*[Letter applies to property owners: Charlotte E. and Robert Thomas Mauser; Robert Thomas and Sara K. Mauser (Tract A)-84.58 acres; Charlotte E. And Robert T. Mauser (Tract B)]*

*Dear Mr. and Mrs. Mauser:*

*Catawba County is growing dramatically and with this growth comes increased demands on the County's solid waste program. The County must expand its Blackburn Landfill if the County is to continue to provide its citizens environmentally safe and efficient disposal of solid waste.*

*Last year the County prepared a Master Plan for solid waste disposal. The plan identifies a phased expansion of the existing landfill as the most practical and cost-effective means of meeting the growing solid waste needs of our Community. The initial expansion phase would require additional land around the periphery of the landfill in order to provide for sufficient land area to comply with state and federal regulations for buffers and environmental safeguards.*

*County property records indicate that you presently own the parcels in the vicinity of the landfill identified as 3618-04-61-3932 and 3618-04-80-8492. A portion of this property has been identified by our engineers as being required to meet the proposed expansion needs called for in the master plan. The needed land area is **135 acres** consisting of the entire parcel 3618-04-61-3932 (labeled A on attached map) and approximately **50 acres** of parcel 3618-04-80-8492 (labeled B on attached map).*

*The County considers this land to be essential to the future successful operation of the Blackburn landfill. Therefore, I have been authorized to offer you the sum of \$524,500 for the above identified properties (labeled A and B). We would appreciate your serious consideration of this offer to purchase. We would be pleased to discuss this matter further with you, at your convenience.*

*Based on previous conversations, we understand that you may prefer to handle any negotiated purchase as a tax-free exchange of properties, under the IRS Code. Therefore, the County would be willing to approach the purchase of the subject properties by either of the following options:*

1. *An outright cash purchase of the entire parcel identified as 3618-04-61-3932, and 50 acres of the parcel identified as 3618-04-80-8492 for \$524,500. (labeled A and B)*
2. *A property exchange which would require that you identify a like property that would*

*satisfy IRS Code, as the exchange for the properties being acquired by Catawba County.*

*Please understand these are options the County has identified. If you have thought of other options, we are open to discussing them.*

*We would request that you reply to this offer by July 10, 2000. If we have not heard from you by that date, the County will presume that you have rejected this offer to purchase the subject properties. Please understand that Catawba County must consider all possible options for acquiring the land necessary to implement our plan for the Blackburn Landfill, including condemnation.*

*Please be assured that the County would like to purchase the property under an agreement mutually beneficial to all parties. I hope to hear from you in the coming days to discuss this letter and answer any questions you may have regarding this matter.*

*Sincerely,*

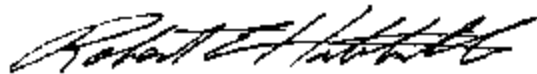
*Kevin N. McCracken, Public Services Administrator  
Department of Utilities and Engineering*

**DRUG ENFORCEMENT**

**Mrs. Bechtel** informed the Board of an incident with the Sheriff's Department in which a person (private citizen) assisting in drug enforcement had been hurt during that particular operation. She had been successful in having this person sign a release stating he would only seek medical care for the injury inflicted during that particular drug enforcement activity. The Commissioners asked Mrs. Bechtel to instruct the Sheriff how to deal with similar occurrences in the future.

**ADJOURNMENT**

At 11:20 a.m., the Board returned to regular session, and there being no further business, adjourned.



**Robert E. Hibbitts, Chairman**



**Virginia W. Sobotkin, Clerk**